IN THE HIGH COURT OF JUDICATURE AT BOMBAY

T AND I JURISDICTION

NOTICE OF MOTION NO. 1216 OF 2002

IN

PETITION NO. 201 OF 1984

Rosy Pascoal D’souza and Ors. ..Applicants

vs.

Loretta Mendes and Ors. ..Respondents

Adv, Mark D’mello i/b. M.S. D’mello adv. for the applicants.

CORAM: S.U. KAMDAR, J.

DATE : 8TH JULY, 2005.

P.C. :

1. The present notice of motion has been taken out by the applicants to convert the probate petition into the letter of administration with the will annexed. The deceased Caitan Francis

D’souza has expired sometime in or about 31/1/1964 leaving behind his last will and testament dated 13.1.1963. To the said will there was one sole executor by Jerome Marian Miranda. The said sole executor has also expired on 31.10.1998. The present application has been therefore taken out to convert the said Probate Petition No. 201 of 1984 into a letter of Administration with will annexed. There is no other executor to obtain probate of the said petition. The applicants are the beneficiaries under the said will. The motion has been served on the respondents. Two affidavits of service dated 23.6.2005 and 24.6.2005 are taken on record. In my opinion in view of the death of the said sole executor the present motion is required to be granted. Motion made absolute in terms of prayer clause (a),(b) and (c).

sd/-

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